

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN WILLIAMS, SR.,

Plaintiff, No. CIV S-04-1167 LKK EFB P

vs.

SERGEANT NUCHOLS, et al.,

Defendants. ORDER

Plaintiff is a prisoner without counsel seeking relief for civil rights violations. *See* 42 U.S.C. § 1983. On June 21, 2007, the court adopted the findings and recommendations of the magistrate judge and granted defendants' motion to dismiss. Plaintiff has filed an appeal from that order.

Except under special circumstances not present here, an order which dismisses a complaint without dismissing the action is not an appealable order. *Williams v. Peters*, 233 F.2d 618 (9th Cir. 1956). Since the order here in question dismissed only the complaint it is not appealable; therefore plaintiff's appeal is not taken in good faith.

Dated: August 8, 2007.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT